IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION CIVIL ACTION NO. 3:14-CV-085-RJC-DCK

SAMANTHA R PENDERGRASS,)
Plaintiff,)
v.) ORDER AND NECOMMENDATION
WALMART STORES EAST, LP,)
Defendant.)
	<i>)</i>

THIS MATTER IS BEFORE THE COURT on the "Joint Motion To Stay Discovery" (Document No. 11) filed May 21, 2014. This motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate. Having carefully considered the motion and the record, and noting consent of the parties, the undersigned will grant the motion.

The parties seek to stay all requirements under the Rules, while they attempt to resolve this matter without incurring additional fees and expenses. (Document No. 11). Under the circumstances, the undersigned will also respectfully recommend that "Defendant's Motion To Dismiss Count Two Of Plaintiff's Complaint" (Document No. 8) be denied without prejudice.

IT IS, THEREFORE, ORDERED that the "Joint Motion To Stay Discovery" (Document No. 11) is GRANTED. All discovery is STAYED in this case for sixty (60) days, up to and including July 21, 2014; and the deadlines and requirements set forth in Federal Rules 16 and 26 and Local Rules 16.1 and 26.1 are SUSPENDED for sixty (60) days, up to and including July 21, 2014.

IT IS FURTHER ORDERED that the parties shall file a "Stipulation of Dismissal" or a

"Status Report" and "Certification of Initial Attorney's Conference" on or before July 25, 2014.

IT IS RECOMMENDED that "Defendant's Motion To Dismiss Count Two of

Plaintiff's Complaint" (Document No. 8) be **DENIED**, **WITHOUT PREJUDICE** to Defendant

re-filing a motion to dismiss on or after July 22, 2014.

TIME FOR OBJECTIONS

The parties are hereby advised that pursuant to 28 U.S.C. § 636(b)(1)(C), and Rule 72 of

the Federal Rules of Civil Procedure, written objections to the proposed findings of fact,

conclusions of law, and recommendation contained herein may be filed within fourteen (14)

days of service of same. Responses to objections may be filed within fourteen (14) days after

service of the objections. Fed.R.Civ.P. 72(b)(2). Failure to file objections to this Memorandum

and Recommendation with the District Court constitutes a waiver of the right to de novo review

by the District Court. Diamond v. Colonial Life, 416 F.3d 310, 315-16 (4th Cir. 2005).

Moreover, failure to file timely objections will preclude the parties from raising such objections

on appeal. Diamond, 416 F.3d at 316; Page v. Lee, 337 F.3d 411, 416 n.3 (4th Cir. 2003);

Snyder v. Ridenhour, 889 F.2d 1363, 1365 (4th Cir. 1989); Thomas v. Arn, 474 U.S. 140, 147-48

(1985), reh'g denied, 474 U.S. 1111 (1986).

SO ORDERED AND RECOMMENDED.

Signed: May 22, 2014

David C. Keesler

United States Magistrate Judge

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